

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

TYLER JAMES THOMAS LANKFORD)

Plaintiff,)

vs.)

CITY OF PULLMAN; OFFICER JOSHUA
BRAY; OFFICER ALEX GORDON;
DETECTIVE TODD DOW; OFFICER GREG
UMBRIGHT; DOES I-X)

Defendants.)

Case No.

COMPLAINT FOR DAMAGES

(Civil Rights, Jury Trial Demanded)

I. INTRODUCTION

1. This is an action for damages sustained by a resident of Spokane, Washington against the City of Pullman, Officer Joshua Bray, Officer Alex Gordon, Detective Todd Dow, and Officer Greg Umbright who, through their intentional conduct and reckless and conscious disregard for the First, Fourth, and Fourteenth Amendments, have caused plaintiff to suffer deprivation of his liberty and his civil and constitutional rights, and mental and emotional distress.

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II. JURISDICTION

2. The jurisdiction of this Court over this Complaint is invoked pursuant to the provisions of 28 U.S.C. §§ 1331(a) and 1343(a)(1), (2), (3), and (4) for plaintiff's federal constitutional claims, which derive from the provisions of 42 U.S.C §§ 1983 and 1988 and the Constitution of the United States, specifically the First, Fourth, and Fourteenth Amendments thereto.

3. This Court has supplemental jurisdiction over the State claims pursuant to 28 U.S.C. § 1367 by virtue of the fact that they arise out of the same transactions or series of transactions as do the claims alleged herein under federal and constitutional law.

III. VENUE

4. All of the unlawful acts and practices alleged herein occurred in the City of Pullman. Thus, the Eastern District of Washington Spokane Courthouse is the appropriate forum for this matter.

IV. PARTIES

5. Plaintiff Tyler James Thomas Lankford ("Lankford") is an adult male citizen of the United States and a resident of the State of Washington.

6. Defendant City of Pullman, Washington is now, and at all times mentioned herein was, a governmental entity and a political subdivision of the State of Washington, duly organized and existing under the laws of the State of Washington.

7. Defendant Officer Joshua Bray ("Bray") is an Officer with the Pullman, Washington Police Department and, in doing the things complained of herein, was acting under color of law and within the course and scope of his employment by defendant City of Pullman, Washington.

1 8. Defendant Officer Alex Gordon ("Gordon") is an Officer with the Pullman,
2 Washington Police Department and, in doing the things complained of herein, was acting under
3 color of law and within the course and scope of his employment by defendant City of Pullman,
4 Washington.

5 9. Defendant Detective Todd Dow ("Dow") is a Detective with the Pullman,
6 Washington Police Department and, in doing the things complained of herein, was acting under
7 color of law and within the course and scope of his employment by defendant City of Pullman,
8 Washington.

9 10. Defendant Officer Greg Umbright ("Umbright") is an Officer with the Pullman,
10 Washington Police Department and, in doing the things complained of herein, was acting under
11 color of law and within the course and scope of his employment by defendant City of Pullman,
12 Washington.

13 11. Defendants Does I through X, in doing the things complained of herein, were
14 acting under color of law and within the course and scope of their employment by defendant City
15 of Pullman, Washington.

16 12. Each defendant is, and at all times herein mentioned was, an agent of the other
17 and acting within the course and scope of that agency in causing the harm as herein alleged.

18 **V. ADMINISTRATIVE PROCEEDINGS**

19 13. Within the statutory time period, specifically on August 12, 2016, plaintiff Tyler
20 James Thomas Lankford filed a claim, arising out of the events alleged herein, against the City of
21 Pullman pursuant to RCW § 4.92.100. The claim was rejected by operation of law on October
22 15, 2016.

1 **VI. STATEMENT OF FACTS**

2 14. On July 25, 2015, Tyler James Thomas Lankford ("Lankford") checked into the
3 Quality Inn & Suites in Pullman, WA.

4 15. On July 27, 2015, Lankford's Aunt, Kathleen Teresa Finch ("Finch") called and
5 spoke to Officer Bray to ask for a welfare check on Lankford. Bray also spoke with Lankford's
6 Mom, Sherry Bailey ("Bailey"), who stated that she was paying for Lankford's room at the hotel
7 through July 28, 2015 and that she thought he might be in the possession of some firearms.

8 16. Based only on the statements of Finch and Bailey, Bray prepared an Affidavit for
9 Search Warrant for a crime to wit: Felony Harassment, was committed upon the person or
10 property of Mikaela Marlow ("Marlow"). Marlow did not make a complaint against Lankford.
11 Lankford had not contacted or spoken to Marlow, and the only basis for the search were Bray's
12 conversations with Finch and Bailey. There was no evidence that any firearm had been
13 displayed or had been used in an unlawful manner.

14 17. Bray included in the search warrant, any and all firearms including, but not
15 limited to, a 9mm Glock and a 40 mm Smith and Wesson, and any and all ammunition from
16 Lankford's hotel room.

17 18. At approximately 11:48 a.m., the Pullman Police Department ("PPD") called the
18 Moscow Police Department ("MPD") and requested a Special Reaction Team
19 ("SRT")/Negotiations call out for the PPD for negotiations with an alleged barricaded, armed
20 subject at Quality Inn & Suites in Pullman, WA. The Whitman County Joint SRT was called out
21 and a perimeter was established around the facility. SRT evacuated the rooms around Lankford.
22 When all 26 officers were in place, Officer Casey Green ("Green") of the MPD called
23 Lankford's room.

1 19. Green called Lankford's room and informed him they were doing a welfare check
2 on him. Lankford did not feel like talking to the police, so he hung up. Green called back again
3 and told him they were just doing a welfare check and insisted that Lankford come out into the
4 hallway.

5 20. Lankford agreed to exit his room and, once he was out in the hallway, was
6 immediately surrounded by the SRT team and taken into custody. Bray, along with Officer
7 Gordon, Detective Dow, and Officer Umbright, carried out the search warrant on Lankford's
8 hotel room. While conducting their search, they observed marijuana in the room. The detectives
9 seized a Glock 17, 9mm ammunition x85 rounds, a Remington 700, a gun case with cleaning kit,
10 a Barnes Vor-TX 308 Win ammunition x37 rounds.

11 21. Lankford was taken into custody to determine if he posed an immediate danger to
12 himself or others. He was transported to Pullman Regional Hospital where Palouse River
13 Counseling completed a psychiatric evaluation on him to determine if he was a danger to himself
14 or others. Palouse River Counseling found that he was not a danger to himself or others and thus
15 should not be psychiatrically held against his will.

16 22. Defendants, who did not have probable cause for Lankford's arrest, transported
17 him to the Whitman County Jail, where he was charged with Felony Harassment and Possession
18 of a Controlled Substance and was held until September 9, 2015 when he was ordered released
19 by the Court.

20 23. The Felony Harassment charge was dropped against Lankford, leaving the sole
21 charge of Possession of Marijuana over 40 Grams, A Class C Felony. Lankford was in jail from
22 July 27, 2015 until September 9, 2015, when a Judge signed an Order, dismissing his case and
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1 releasing him from jail, based on the invalidity of the warrant and search. The Order stated that
2 “the warrant is not based on probable cause and is therefore invalid.”

3 24. The detention, arrest, incarceration and search caused Lankford to suffer severe
4 emotional distress as he sat in jail for almost two months. The police did not have probable
5 cause for the issuance of a search warrant on his hotel room, or for his arrest. Lankford suffered
6 from low energy, weight loss, hair loss, nightmares, and anxiety during his time in jail from July
7 28, 2015 through September 9, 2015.

8 25. Lankford suffered physical and mental injuries due to defendant officers’ false
9 arrest, unlawful search and seizure, trespass and conversion.

10 **VII. FIRST CLAIM FOR RELIEF**

11 **(42 United States Code § 1983 – Arrest without Probable Cause)**

12 26. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 25
13 with the same force and effect as if such paragraphs were separately realleged in this First Claim
14 for Relief.

15 27. The actions of all defendant officers in arresting plaintiff without probable cause
16 deprived him of his Fourth Amendment rights to be free from deprivations of liberty without
17 legal and/or probable cause and due process of law.

18 28. Defendant officers, and each of them, subjected plaintiff to such deprivations by
19 malice and a reckless and conscious disregard of his rights for which an award of punitive
20 damages is warranted against each individual officer.

21 29. The direct and proximate result of each defendant's acts is that plaintiff was
22 forced to endure mental suffering and emotional distress, was deprived of his physical liberty,
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1 and endured a six week imprisonment before the charges were dropped and he was released from
2 jail.

3 **VIII. SECOND CLAIM FOR RELIEF**

4 **(42 United States Code § 1983 – Unlawful Search and Seizure)**

5 30. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 29
6 with the same force and effect as if such paragraphs were separately realleged in this Second
7 Claim for Relief.

8 31. The actions of all defendant officers in searching plaintiff's hotel room and in
9 seizing and retaining his property deprived him of his Fourth Amendment right to be free from
10 unlawful search and seizure.

11 32. Defendant Bray applied for a search warrant knowing that he did not possess
12 probable cause. He did so in reckless disregard to the consequences and hardship and in
13 conscious disregard to plaintiff's constitutional and statutory rights. Bray subjected plaintiff to
14 such deprivations by malice and/or oppression and/or a reckless and conscious disregard of his
15 rights. An award of punitive damages against defendant Bray is warranted.

16 33. The direct and proximate result of each defendant's acts is that plaintiff was
17 deprived of his property and was held in jail and thus forced to endure mental suffering and
18 emotional distress, and was deprived of his physical liberty. The conduct of defendant officers,
19 and each of them, was done in reckless and conscious disregard of plaintiff's statutory and
20 constitutional rights and an award of punitive damages against the individual officers is
21 warranted.

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XI. THIRD CLAIM FOR RELIEF

**(42 United States Code § 1983 – Monell Claim
City of Pullman Only)**

34. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 33 with the same force and effect as if such paragraphs were separately realleged in this Third Claim for Relief.

35. At all times herein mentioned, defendant City of Pullman had a mandatory duty of care to properly and adequately hire, train, retrain, supervise, and discipline its police officers so as to avoid unreasonable risk of harm to persons. With deliberate indifference, the City of Pullman failed to take necessary, proper, or adequate measures in order to prevent the violation of plaintiff's rights.

36. On information and belief, the City of Pullman has failed to train its officers in the proper law of arrest and the meaning of probable cause when it comes to arrest, searches and the issuance of search warrants so that its officers are confused and likely applying for and obtaining search warrants when there is no probable cause for them. The City of Pullman knows that its officers will arrest and prosecute numerous people without complying with the Fourth Amendment but despite said knowledge has continued to fail to properly train its officers.

37. The City of Pullman also does not take corrective action.

38. Said lack of policy of corrective discipline and failure to adequately train its police officers have exposed persons who are in compliance with the law to unreasonable searches, detentions and arrests.

1 39. Thus, the need to train officers in the constitutional limitations of searches,
2 detentions and arrests when the need for training can be said to be “so obvious” that the failure to
3 do so could properly be characterized as “deliberate indifference” to constitutional rights.

4 40. In general, the pleadings contain sufficient evidence to establish the following
5 facts: (1) a violation of a federally-protected right, to wit, Fourth Amendment rights; (2)
6 inadequate training of employees, to wit, gross failure to possess objective evidence of a crime
7 and applying for a search warrant when there was no probable cause for its issuance; and (3)
8 causation between the inadequate training and plaintiff’s damage.

9 41. Defendant City of Pullman breached its duty of care to plaintiff because it failed
10 to adequately train and/or discipline its police officers, including those named in this complaint.
11 This lack of adequate supervisory training, and/or policies and procedures is so gross that it
12 demonstrates the existence of an informal custom or policy of promoting, tolerating, and
13 ratifying the continuing unlawful arrests and use of force by officers employed by the City of
14 Pullman.

15 42. The foregoing acts, omissions, and systemic failures are customs and policies of
16 defendant City of Pullman, which caused its officers to believe that determination of the right to
17 detain, search and arrest a person was within their unfettered discretion, and that complaints of
18 improper conduct would not be properly investigated, with the foreseeable result that officers
19 would likely cause the deprivation of a person’s rights as occurred in this case. Such conduct on
20 the part of defendant City of Pullman renders it liable for its officers’ constitutional violations.

21 43. As a direct and proximate result of the aforesaid acts, omissions, policies, and
22 customs of defendant City of Pullman, the individual defendant officers caused the constitutional
23 violations and damages described above.

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STATE CLAIMS

XII. FOURTH CLAIM FOR RELIEF

(City of Pullman -- Respondeat Superior)

44. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 43 with the same force and effect as if such paragraphs were separately realleged in this Fourth Claim for Relief.

45. In doing the things herein alleged, Bray, Gordon, Dow, and Umbright were acting within the course and scope of their employment by defendant City of Pullman. Defendant City of Pullman is therefore liable for all damages, other than punitive damages, caused by its officers.

XIII. FIFTH CLAIM FOR RELIEF

(Trespass)

46. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 45 with the same force and effect as if such paragraphs were separately realleged in this Fifth Claim for Relief.

47. The actions of defendants and each of them in entering plaintiff's hotel room without his permission or consent constitute trespassing and a contributing factor to his physical pain and emotional distress damages.

XIV. SIXTH CLAIM FOR RELIEF

(Conversion)

48. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 47 with the same force and effect as if such paragraphs were separately realleged in this Sixth Claim for Relief.

1 49. The actions of defendants and each of them in entering plaintiff's hotel room and
2 removing his property without his permission or consent constitutes conversion and a
3 contributing factor to his physical pain and emotional distress damages.

4 **XV. SEVENTH CLAIM FOR RELIEF**

5 **(False Arrest and Imprisonment)**

6 50. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 49
7 with the same force and effect as if such paragraphs were separately realleged in this Seventh
8 Claim for Relief.

9 51. The conduct of defendant officers in detaining and arresting plaintiff constitutes
10 false imprisonment of plaintiff. The actions of defendant officers in detaining, arresting, and
11 effecting his incarceration in Whitman County Jail constitutes false arrest and false
12 imprisonment

13 52. As a direct and proximate result of defendant officers' intentional conduct,
14 plaintiff sustained economic and non-economic damages, including, without limitation, mental
15 suffering, emotional distress, emotional trauma, physical pain and suffering, and other mental
16 pain and suffering; and other damages, which said damages will be proven at trial.

17 **XVI. PRAYER FOR RELIEF**

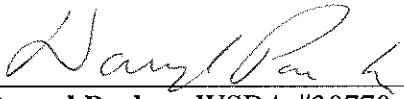
18 WHEREFORE, plaintiff prays for the following relief, jointly and severally, against the
19 defendants:

20 A. For general and special compensatory damages against defendants City of Pullman
21 Officer Joshua Bray, Officer Alex Gordon, Officer Todd Dow, and Officer Greg
22 Umbright in the amount of \$2,000,000;
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- 1 B. For punitive damages against defendants Officer Joshua Bray, Officer Alex Gordon,
2 Detective Todd Dow, and Officer Greg Umbright in the amount of \$100,000 each;
3 C. For reasonable attorney's fees and costs pursuant to the provisions of 42 U.S.C. §
4 1988 or any other applicable law;
5 D. For costs of suit incurred herein; and
6 E. For such other and further relief as the Court may deem just.

7 DATED this 24th day of October 2016.

8 CIVIL RIGHTS JUSTICE CENTER, PLLC

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10 
11 Darryl Parker, WSBA #30770